REMARKS/ARGUMENTS

Claims 1-4 and 6-31 are pending in the present application. Claims 1, 9, 19, 21, 25, 27 and 31 have been amended herewith. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 101

Claim 31 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

> When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1760 (claim to data structure *per se* held nonstatutory)" (emphasis added by Applicants).

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. [1]

Claim 31 recites "A computer program product stored in a computer recordable-type medium and operable by a data processing system for collecting information about a user of an electronic consumable". Applicants urge that a computer program product stored in a computer recordable-type medium and operable by a data processing system for collecting information about a user of an electronic consumable is a computer element which defines structural and functional inter-relationships between the computer program and the rest of the computer which permits the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.[2] Accordingly, as

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[1] http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

[2] The USPTO's own guidelines similarly state this type of claim is proper under 35 U.S.C. § 101. For example, as stated in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (published in the Official Gazette on November 22, 2005) at ANNEX IV (Computer-Related Nonstatutory Subject Matter) "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data

Claim 31 expressly recites a computer program product stored in a computer recordable-type medium and operable by a data processing system for collecting information about a user of an electronic consumable, it is shown that Claim 31 is directed to statutory subject matter, pursuant to both judicial case law and the USPTO's own MPEP rules. Thus, Claim 31 is statutory under 35 U.S.C. § 101.

Still further, Claim 31 explicitly recites a computer program product stored in a computer recordable-type medium and operable by a data processing system for collecting information about a user of an electronic consumable, which is either a 'manufacture' or a 'composition of matter', both of which are statutorily recognized subject matter[3]. In addition, since Claim 31 explicitly recites a computer program product stored in a computer recordable-type medium and operable by a data processing system for collecting information about a user of an electronic consumable, such claim does *not* fall within one of the three judicially determined exceptions of: natural phenomenon, law of nature or abstract idea (see, e.g., MPEP 2106 and in particular MPEP 2106(IV)(B) and (C)), but instead is limited to a practical application in the technological arts[4]. Thus, it is further shown that Claim 31 is allowable in view of 35 U.S.C. § 101 as the invention recited therein does not fall within a judicial exception but instead is limited to a practical application in the technological arts.

It is further urged that Claim 31 is very different from the type of claim rejected under 35 U.S.C. § 101 in *In re Nuijten*, 84 USPQ2d 1495, in that such Nuijten claim was specifically directed to operations (watermarking) performed on a data signal itself ("A method of embedding supplemental data in a signal...encoding the signal...modifying selected samples of the encoded signal"). As described above, Claim 31 is not directed to operations being performed on a signal itself, and thus the holding in *In re Nuijten, Id.* is not applicable to Claim 31. For example, this same Nuijten patent application had a program product claim (Claim 15) that was not the subject of appeal, *and this program product claim was allowed*, *In re Nuijten, Id.*

Therefore, the rejection of Claim 31 under 35 U.S.C. § 101 has been overcome.

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structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory)."

[3] 35 U.S.C. 101 Inventions patentable.
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

[4] *Only when* the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101. Compare *Musgrave*, 431 F.2d at 893, 167 USPQ at 289; *In re Foster*, 438 F.2d 1011, 1013, 169 USPQ 99, 101 (CCPA 1971).

II.   35 U.S.C. § 102, Anticipation

Claims 1-4, 6-8, 19-22, 24-28 and 30 stand rejected under 35 U.S.C. § 102 as being anticipated by Hoshi et al. (U.S. Publication No. 2002/0083043 A1), hereinafter "Hoshi". This rejection is respectfully traversed.

Applicants have amended Claim 1 to further define particular characteristics associated with the claimed 'object'. As amended, the claimed 'object' has several properties/characteristics not provided by Hoshi's general-purpose remote controller, which is the Hoshi device that the Hoshi user 'manipulates' (Hoshi paragraph [0144]). For example, the claimed 'object' is selectively activated when a user consumes the electronic consumable, and this same 'object', itself, is a part of the 'electronic consumable'. In addition, this same 'object' that is a part of the electronic consumable includes the embedded code that causes the information to be recorded in response to the user manipulating this same 'object'. It is urged that Hoshi does not describe or otherwise teach an electronic consumable that includes an object, where such object includes embedded code used to record information in response to a user manipulating such object, and thus it is urged that this amendment to Claim 1 has overcome the present rejection of such claim under 35 U.S.C. § 102 as being anticipated by Hoshi.

Still further, Claim 1 has been further amended to define particular aspects of the embedded code that is included in the object, where such embedded code specifies (i) what type of monitoring of user actions should occur while the user is consuming the electronic content, and (ii) how the information should be reported (Specification page 7, lines 5-12 et seq.). Hoshi's embedded code, presumably alleged to be code running in node 11 (due to the Examiner's reliance on Hoshi paragraphs [0146] – [0147] as teaching the claimed embedded code), is not described specifying *both* what type of monitoring of user actions should occur while the user is consuming the electronic content, *as well as* how the information should be reported, as is now recited in amended Claim 1. Thus, it is further urged that the present amendment to Claim 1 has overcome the present rejection of such claim.

Applicants traverse the rejection of Claims 2-4 and 6-8 for reasons given above with respect to Claim 1 (of which Claims 2-4 and 6-8 depend upon).

As to Claims 19-22, 24-28 and 30, Applicants traverse for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-4, 6-8, 19-22, 24-28 and 30 under 35 U.S.C. § 102 has been overcome.

III.   35 U.S.C. § 103, Obviousness

Claims 1-31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mault (U.S. Publication No. 2001/0044588 A1), hereinafter "Mault" further in view of Matthew et al. (U.S. Publication No. 2002/0009119 A1), hereinafter "Matthew". This rejection is respectfully traversed.

One of the primary issues with respect to rejection of Claim 1 is (1) whether *Mault* teaches *an electronic consumable displayed on an apparatus* having an input device and a sensor, as alleged by the Examiner. The Examiner states that *Mault* teaches an electronic consumable at *Mault*, par. 0042. Applicants urge clear error in such assertion, as there Mault states:

> [0042] The computing device 20 is adapted to send a data stream over the communication network 30, which is preferably the Internet. The computing device can be (but is not limited to) a personal digital assistant (PDA) such as a Palm Pilot, portable computer, desk-top computer, wireless phone, interactive television component (e.g. set-top box, cable box, web-TV box, satellite box, etc.), electronic organizer, e-book, or a multi-functional device. In some embodiments, a PCMCIA (Personal Computer Memory Card International Association) card acts as an interface between the sensor 10 and the computing device 20. Schematics of PCMCIA interfaces, which can be advantageously used in embodiments of the present invention, are described in U.S. Pat. Nos. 6,159,147 and 5,827,179 to Lichter et al., herein incorporated by reference. The computing device may contain a transceiver card, so that wireless transmissions from one or sensor system can be detected. The sensor 10 and the computing device 20 can be an integrated device. For example, a PDA with a temperature monitoring accessory can be used.

As can be seen, while this cited passage describes a computing device, this cited passage does not teach or otherwise suggest the display of anything – and therefore this cited passage cannot be reasonably construed as teaching the *display of an electronic consumable*, as expressly recited in Claim 1.

Another issue with respect to the rejection of Claim 1 is whether any of the cited references teach or suggest that a sensor is activated *by a user manipulating an object of the electronic consumable*. Claim 1 expressly recites "wherein the sensor is activated by a user action by *manipulating the object of the electronic consumable* to collect information about the user's behavior as the user consumes the electronic consumable". In rejecting this aspect if Claim 1, the Examiner states "wherein the sensor is activated by a user action to collect information about the user's behavior as the user consumes the electronic consumable (paragraphs 7 and 15, Mault)" (*Examiner Answer April 30, 2008*, page 3). However, the Examiner's rejection is clearly erroneous because *the temperature sensor is not an object of the electronic consumable*. *Mault* does not teach manipulating *an object of the electronic consumable* (which is displayed) to activate the sensor because the temperature sensor is an external device and is not *an object of an electronic consumable*.

In addition, *Matthew* also does not teach activating a sensor by a user manipulating an object of the electronic consumable. The Examiner cites to *Matthew* for teaching a user activated sensor. However, *Matthew* does not teach *an **electronic consumable*** and further fails to teach manipulating *an object of the electronic consumable* to activate the sensor. Accordingly, the combination of *Mault* and *Matthew* does not teach or suggest all the features of Claim 1, and therefore a prima facie case of obviousness has not been properly established. Thus, it is shown that Claim 1 has been erroneously rejected under 35 U.S.C. § 103 due to this prima facie deficiency[5].

Still further with respect to Claim 1, another issue with respect to the rejection of such claim pertains to whether any of the cited references teach or suggest that a sensor is activated by a user action by manipulating an object of the electronic consumable, *where embedded code of the object causes the information to be recorded*. As can be seen, per this aspect of Claim 1, there are (i) an electronic consumable, (ii) an object of the electronic consumable, (iii) a sensor, and (iv) embedded code of the object (of the electronic consumable). In rejecting this aspect of Claim 1, the Examiner cites Mault's teachings at paragraphs 7 and 15 as teaching all four of these claimed elements (items (i)-(iv) listed above). Applicants urge clear error, as Mault's paragraph 7 merely describes a PDA and a temperature sensor. It appears the Examiner is equating this temperature sensor with the claimed sensor, but there is no additional teaching of items (i), (ii) or (iv). Nor does the cited paragraph 15 overcome such teaching deficiency. This cited paragraph further describes details associated with the temperature sensor described by Mault's paragraph 7. This cited passage similarly does not teach or suggest missing items (i), (ii) or (iv) – specifically, this cited passage does not teach or otherwise suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable). Instead, this cited passage describes a sensor. Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 1, and thus it is urged that this claim is now in condition for allowance.

Applicants initially traverse the rejection of Claim 2-4 and 6-8 for reasons given above with respect to Claim 1, of which Claims 2-4 and 6-8 depend upon (Claim 5 was previously cancelled).

Further with respect to Claim 6, such claim recites "wherein the object of the electronic consumable can only be stored in containers that allow the embedded code of the object to function". As can be seen, Claim 6 is directed to particular actions associated with the object of the electronic consumable – and in particular that this object can only be stored in containers that allow the embedded

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[5] To establish prima facie obviousness of a claimed invention, *all of the claim limitations must be taught or suggested by the prior art.* MPEP 2143.03 (emphasis added by Applicants). *See also, In re Royka,* 490 F.2d 580 (C.C.P.A. 1974). If the Examiner fails to establish a prima facie case, *the rejection is improper and will be overturned. In re Fine,* 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) (emphasis added by Applicants).

code of the object to function. As previously described above, none of the cited references teach or suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable), and therefore it similarly follows that the features of Claim 6 are not taught or suggested by the cited references as the features of Claim 6 pertain to these missing claimed elements of Claim 1. In rejecting Claim 6, the Examiner merely states that all of the features of Claim 6 are taught by Mault paragraphs 39, 42 and 59, without providing any insight or analysis as to how these paragraphs are being interpreted to read on the features of Claim 6.

Applicants urge that Mault's paragraph 39 describes various types of sensors that can be used by the Mault system, and such paragraph does not teach/suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable), and therefore it similarly follows that the features of Claim 6 are not taught or suggested by this cited paragraph as the features of Claim 6 pertain to these missing claimed elements of Claim 1.

Applicants urge that Mault's paragraph 42 describes a computing device, and such paragraph does not teach/suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable), and therefore it similarly follows that the features of Claim 6 are not taught or suggested by this cited paragraph as the features of Claim 6 pertain to these missing claimed elements of Claim 1.

Applicants urge that Mault's paragraph 59 describes a system which combines a sensed temperature signal with entertainment content such that a caregiver may monitor the sensed temperature while viewing entertainment programming. This paragraph does not teach/suggest embedded code of the object of the electronic consumable, and therefore it similarly follows that the features of Claim 6 are not taught or suggested by this cited paragraph as the features of Claim 6 pertain to this missing claimed element of Claim 1.

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 6, and therefore a prima facie case of obviousness has not been properly established. Thus, it is urged that Claim 6 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

Applicants initially traverse the rejection of Claim 7 for reasons given above with respect to Claim 1, of which Claim 7 depends upon.

Further with respect to Claim 7, such claim recites "wherein the information is analyzed using data mining techniques". In rejecting this aspect of Claim 7, the Examiner states that Mault teaches the claimed data mining techniques at Mault paragraph 7 and 14. Applicants urge clear error, as Mault's paragraph 7 describes the monitoring and recording of data using a temperature sensor, but does not describe any type of data analysis with respect to the monitored/recorded data. Nor does the cited passage

at Mault's paragraph 15 overcome such teaching/suggestion deficiency. There, Mault describes a sensor, a computing device and a server system. The only data manipulation described by this cited paragraph is that the sensor system may average data, compensate for errors or otherwise process data before transmission to the computing device. There is no mention of any type of data mining techniques being used in the analysis of any information. Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 7, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 7 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

With respect to Claim 9, such claim recites "an electronic consumable comprising documents and objects; *wherein the ... objects include instructions for automatically monitoring and reporting user behavior*". In rejecting this aspect of Claim 9, the Examiner states that all of these claimed features are taught by Mault at paragraphs 7 and 15. It is urged that Mault's paragraph 7 describes an ability to monitor a temperature and does not teach or suggest (i) an electronic consumable comprising documents and objects, or (ii) that such objects *include instructions for automatically monitoring and reporting user behavior*, as claimed. It is further urged that Mault's paragraph 15 describes a sensor, a computing device and a server system for monitoring and transmitting temperature data, and does not teach or suggest (i) an electronic consumable comprising documents and objects, or (ii) that such objects *include instructions for automatically monitoring and reporting user behavior*, as claimed.

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 9, and thus it is urged that this claim is now in condition for allowance.

Applicants initially traverse the rejection of Claim 10 for reasons given above with respect to Claim 9, of which Claim 10 depends upon.

Further with respect to Claim 10, such claim recites "wherein the user behavior reported comprises how long the user looked at a first page of the document". In rejecting this time-that-a-user-looked feature, the Examiner cited Mault's description at paragraphs 15, 42 and 78 as teaching of the features of Claim 10. Applicants urge error in such assertion. Mault's paragraph 15 describes sensing a person's temperature using a sensor, and does not describe a user looking at a document and therefore cannot teach reporting how long a user looked at a first page of a document. Mault's paragraph 42 describes a computing device that is able to transmit data, and does not describe a user looking at a document and therefore cannot teach reporting how long a user looked at a first page of a document. Mault's paragraph 78 describes that monitoring of a child for purposes of detecting a respiratory failure or Sudden Infant Death Syndrome, and does not describe a user looking at a document and therefore cannot teach reporting how long a user looked at a first page of a document.

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 10, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 10 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

Applicants initially traverse the rejection of Claim 11 for reasons given above with respect to Claim 9, of which Claim 11 depends upon.

Further with respect to Claim 11, such claim recites "wherein the user behavior reported comprises the time between the user opening an object and closing the object". In rejecting this user opening/closing an object feature, the Examiner cited Mault's description at paragraphs 15, 42 and 78 as teaching of the features of Claim 10. Applicants urge error in such assertion. Mault's paragraph 15 describes sensing a person's temperature using a sensor, and does not describe a user opening/closing an object and therefore cannot teach reporting the time between a user opening and closing an object. Mault's paragraph 42 describes a computing device that is able to transmit data, and does not describe a user opening/closing an object and therefore cannot teach reporting the time between a user opening and closing an object. Mault's paragraph 78 describes that monitoring of a child for purposes of detecting a respiratory failure or Sudden Infant Death Syndrome, and does not describe a user opening/closing an object and therefore cannot teach reporting the time between a user opening and closing an object.

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 11, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 11 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

Applicants initially traverse in the rejection of Claim 15 for reasons given above with respect to Claim 9, of which Claim 15 depends upon.

Further with respect to Claim 15, such claim recites "wherein the facial expressions are classified according to a facial expression recognition algorithm". In rejecting this classification, the Examiner cited Mault's description at paragraphs 15, 42 and 78 as teaching of the features of Claim 10. Applicants urge error in such assertion. Applicants have already characterized these cited passages above, and none of them teach or suggest any type of facial expression recognition algorithm, and therefore cannot teach classifying facial expressions according to such a (missing) facial expression recognition algorithm

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 15, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 15 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

Applicants initially traverse the rejection of Claim 16 for reasons given above with respect to Claim 9, of which Claim 16 depends upon.

Further with respect to Claim 16, such claim recites "wherein the user behavior is analyzed using data mining techniques". In rejecting this aspect of Claim 16, the Examiner states that Mault teaches the claimed data mining techniques at Mault paragraph 7 and 14. Applicants urge clear error, as Mault's paragraph 7 describes the monitoring and recording of data using a temperature sensor, but does not describe any type of data analysis with respect to the monitored/recorded data. Nor does the cited passage at Mault's paragraph 15 overcome such teaching/suggestion deficiency. There, Mault describes a sensor, a computing device and a server system. The only data manipulation described by this cited paragraph is that the sensor system may average data, compensate for errors or otherwise process data before transmission to the computing device. There is no mention of any type of data mining techniques being used in the analysis of any information. Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 16, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 16 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

Applicants initially traverse the rejection of Claim 17 for reasons given above with respect to Claim 9, of which Claim 17 depends upon.

Further with respect to Claim 17, such claim recites "wherein the objects can only be stored in containers that allow embedded code of the object to function". As can be seen, Claim 17 is directed to particular actions associated with the object of the electronic consumable – and in particular that this object can only be stored in containers that allow the embedded code of the object to function. As previously described above, none of the cited references teach or suggest embedded code of the object of the electronic consumable, and therefore it similarly follows that the features of Claim 17 are not taught or suggested by the cited references as the features of Claim 17 pertain to these missing claimed elements pertaining to embedded code. In rejecting Claim 17, the Examiner merely states that all of the features of Claim 17 are taught by Mault paragraphs 39, 42 and 59, without providing any insight or analysis as to how these paragraphs are being interpreted to read on the features of Claim 17.

Applicants urge that Mault's paragraph 39 describes various types of sensors that can be used by the Mault system, and such paragraph does not teach/suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable), and therefore it similarly follows that the features of Claim 17 are not taught or suggested by this cited paragraph as the features of Claim 17 pertain to these missing claimed elements.

Applicants urge that Mault's paragraph 42 describes a computing device, and such paragraph does not teach/suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv)

embedded code of the object (of the electronic consumable), and therefore it similarly follows that the features of Claim 17 are not taught or suggested by this cited paragraph as the features of Claim 17 pertain to these missing claimed elements.

Applicants urge that Mault's paragraph 59 describes a system which combines a sensed temperature signal with entertainment content such that a caregiver may monitor the sensed temperature while viewing entertainment programming. This paragraph does not teach/suggest embedded code of the object of the electronic consumable, and therefore it similarly follows that the features of Claim 17 are not taught or suggested by this cited paragraph as the features of Claim 17 pertain to this missing claimed element.

Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 17, and therefore a prima facie case of obviousness has not been properly established. Thus, it is further shown that Claim 17 has been erroneously rejected under 35 U.S.C. § 103 due to this additional prima facie deficiency.

With respect to Claim 19, such claim recites "storing the electronic consumable on an apparatus, the apparatus providing *means for displaying the electronic consumable*". In rejecting this aspect of Claim 19, the Examiner states that Mault teaches storing and displaying of an electronic consumable at paragraphs 2, 14 and 42. For similar reasons to those described above with respect to Claim 1, none of these cited Mault passages at paragraphs 2, 14 and 42 describe an electronic consumable, or the storing/means for displaying such (missing) **electronic consumable**. Thus, it is shown that Claim 19 has been erroneously rejected under 35 U.S.C. § 103 due to this prima facie deficiency.

Claim 19 further recites that in response to a user action, collecting information about the user, wherein *the information is collected according to **embedded code** that is embedded in an object that is contained within the electronic consumable*. The Examiner alleges Mault teaches embedded code at paragraphs 7 and 15. Applicants urge that Mault's paragraph 7 merely describes a PDA and a temperature sensor. There is no additional teaching of (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable). Nor does the cited paragraph 15 overcome such teaching deficiency. This cited paragraph further describes details associated with the temperature sensor described by Mault's paragraph 7. This cited passage similarly does not teach or suggest (i) an electronic consumable, (ii) an object of the electronic consumable, or (iv) embedded code of the object (of the electronic consumable). Instead, this cited passage describes a sensor. Accordingly, the combination of Mault and Matthew does not teach or suggest all the features of Claim 19, and therefore it is urged that such claim is in condition for allowance.

Applicants initially traverse the rejection of Claim 20 (and similarly for Claim 26) for reasons given above with respect to Claim 19, of which Claim 20 depends upon.

Applicants further traverse in the rejection of Claim 20 (and similarly for Claim 26) for similar reasons to those given above with respect to Claim 7.

Applicants initially traverse the rejection of Claim 24 (and similarly for Claim 30) for reasons given above with respect to Claim 19, of which Claim 24 depends upon.

Applicants further traverse the rejection of Claim 24 (and similarly for Claim 30) for similar reasons to those given above with respect to Claim 6.

Therefore, the rejection of Claims 1-31 under 35 U.S.C. § 103 has been overcome.

IV.   35 U.S.C. § 103, Obviousness

Claims 9-18, 23, 29 and 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hoshi as applied to Claims 1-8, 19-22, 24-28 and 30 above, and further in view of Fedorovskaya et al. (U.S. Publication No. 2002/0009119 A1), hereinafter "Fedorovskaya". This rejection is respectfully traversed for certain similar reasons as those given above with respect to the rejection of Claim 1 and Hoshi, as the independent claims have been amended in similar fashion to the clarifying amendment made to Claim 1 to emphasize the electronic consumable/object/embedded code hierarchy, as the newly cited reference to Fedorovskaya does not overcome such hierarchical teaching deficiencies identified hereinabove with respect to Claim 1.

Therefore, the rejection of Claims 9-18, 23, 29 and 31 under 35 U.S.C. § 103 has been overcome.

V.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 26, 2008

Respectfully submitted,

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